

REMARKS

Claims 1-24 are pending in this application. Claims 1-24 are rejected. No new matter has been added. It is respectfully submitted that the pending claims define allowable subject matter.

Claims 1-10 and 12-23 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Mullen et al. (U.S. Patent 6,689,055), hereafter Mullen. Claim 11 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Mullen in view of Robin (U.S. Patent Application Publication 2002/0005935). Claim 24 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Mullen in view of Examiner's Official Notice. Applicants respectfully traverse these rejections for at least the reasons set forth below.

Each of independent claims 1, 14 and 21 variously recite providing “an electronic notification of completion” of at least one ultrasound scan performed during an ultrasound examination. The Office Action asserts that Mullen teaches that a system controller begins to record keystroke data as soon as the system power is turned on and that “while power is turned on, the system controller will record each probe activation … as well as each operation of any other operator control during an examination.” (Office Action, pages 4-5). The Office Action then states that the keystrokes of the operator controls on the control panel are time-stamped and encoded by the system controller, and then stored in electronic memory. The Office Action then concludes that by pressing “the DICOM End Exam button 132” a DICOM job is sent to remotely located devices at the end of the exam and therefore “Mullen teaches an electronic notification of completion (end) of a scan.” (Office Action, page 5). Applicant respectfully disagrees.

The Mullen reference teaches storing information related to keystrokes during an examination. During an examination one or more different probes may be used, which would perform different ultrasound scans (see, e.g., Mullen, column 5, lines 24-26). Additionally, once an exam is selected worklist schedules for that examination that may have different or multiple

scans may be provided to the user (see, e.g., Mullen, column 5, lines 47-66). Mullen then teaches that a bill may be automatically downloaded to the accounting department at the remote facility at regular billing intervals or after each exam (Mullen, column 8, lines 4-6).

During an exam, and as recognized in the Office Action, a user can manipulate the controls of the operator panel. For example, a user may manipulate the controls to perform different scans or different scanning operations. Accordingly, Applicants submit that during an examination, multiple scans may be performed.

The Examiner asserts that by pressing the DICOM End Exam button 132 in the system of Mullen, which sends DICOM jobs to remotely located devices at the end of the exam, the Mullen reference teaches an electronic notification of completion (end) of a scan. Applicants respectfully submit that the end of an exam can encompass more than one scan. Nothing in the Mullen reference discloses electronic notification of completion of a *scan performed during an exam*, which is required by the claimed invention. In order to render a claim unpatentable “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236 (Fed. Cir. 1989). Applicants submit that the general teaching of sending DICOM jobs at the end of exam, wherein multiple scans can clearly be performed, is not an teaching that renders unpatentable, and particularly anticipates, the claim recitation of providing electronic notification of completion of at least one ultrasound scan. Accordingly, Applicants submit that the anticipatory rejection of claims 1, 14 and 21 is not proper and should be withdrawn.

Turning now to the dependent claims, Applicants submit that the subject matter recited therein is likewise allowable. For example, dependent claim 5 further recites “wherein at least one of the ultrasound scans comprises an unscheduled scan.” Applicants submit that the cited section of Mullen in the Office Action used to support the rejection of this claim merely discloses how a new patient exam session is started. Nothing in the cited portion of Mullen describes an unscheduled *scan* that is to be performed, for example, during an examination, such

as after an examination has started. Dependent claim 12 is likewise allowable for at least the same reason.

Turning to dependent claim 8, this claim recites “further comprising associating completed ultrasound scans with patient information. Applicants submit that the cited section of Mullen in the Office Action used to support the rejection of this claim merely discloses providing a code that represents a keystroke that is then stored. There is nothing in the cited portion of Mullen that describes associating completed ultrasound scans with patient information.

Turning to dependent claim 16, this claim recites “wherein a separate output is generated in connection with each electronic notification.” Applicants submit that the cited sections of Mullen in the Office Action used to support the rejection of this claim merely disclose storing codes associated with each keystroke. There is nothing in the cited portions of Mullen that describe separate outputs generated in connection with *each* electronic notification. Mullen may disclose generating some output based on a user command, but not in connection with each electronic notification.

Turning to dependent claim 23, newly added in the last filed Amendment, this claim recites “further comprising providing an electronic notification of at least one of an update and a change to the at least one ultrasound scan.” Applicants submit that the cited sections of Mullen in the Office Action used to support the rejection of this claim merely disclose saving keystroke information and processing service requests performed after the ultrasound exam. The general teachings in Mullen do not anticipate the specific claim recitation of “providing an electronic notification of at least one of an update and a change to the at least one ultrasound scan.” Electronic notification in the system of Mullen is provided at the end of the examination. There is nothing in Mullen that teaches providing the notification prior to the end of the examination, for example, of an update or a change to an ultrasound scan to be performed during the examination.

Turning to dependent claim 24, newly added in the last filed Amendment, this claim recites “further comprising providing electronic notification after an expiration of a predetermined time period for the at least one ultrasound scan.” The Examiner concedes that the Mullen reference does not teach the elements of claim 24, but takes Office Notice that the elements in claim 24 are well known in the electronic medical recording arts. Applicants submit that notifications in Mullen (as defined in the Office Action) are based on a user input, and in particular, a user input of a completion of an examination. The notifications are provided upon some type of user action. Applicants submit that nothing in the Mullen reference would suggest a notification as claimed. Simply because something may be well known does not mean it would be obvious to modify the cited reference accordingly. Applicants, thus, also submit that the motivation of alerting the medical providers is not sufficient to support this rejection. The system of Mullen is concerned with recording keystroke information and providing the information for subsequent processing to determine department performance characteristics, not to provide an alert.

Additionally, Applicants respectfully traverse the Official Notice by the Examiner. Accordingly, under MPEP § 2144.03, the Examiner is now obligated to cite references or other documentary evidence in support of the Examiner’s assertions. Alternatively, if the Examiner’s assertions are based on facts within the personal knowledge of the Examiner, the facts must be supported by an affidavit from the Examiner.

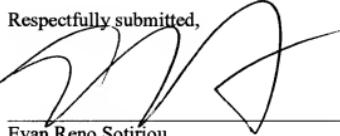
Moreover, dependent claim 11 has been rejected based on the combination of Mullen and Robin and dependent claim 24 has now been rejected as unpatentable over Mullen in view of the Examiner’s Official Notice. The Mullen patent is a 102(e) reference. Applicants respectfully submit that the Mullen reference should be disqualified as prior art under 35 U.S.C. § 103(c). Applicants have submitted separately herewith a Statement Concerning Common Ownership to support the disqualification of Mullen as prior art. Accordingly, Applicants submit that the rejection of claims 11 and 24 based on Mullen in combination with Robin and the Examiner’s Official Notice should be withdrawn.

Further, dependent claims 2-4, 6, 7, 9-11, 13, 15, 17-20 and 22 also recite subject matter not anticipated or rendered obvious by the cited references. Moreover, dependent claims 2-13, 15-20 and 22-24 are also allowable based at least on the dependency of these claims from the independent claims.

There may be additional and/or alternative reasons to the reasons argued herein and/or herebefore that claims 1-24 are each patentable over the cited references. Without waiver of any additional and/or alternative reasons, Applicants reserve the right to argue any additional and/or alternative reasons hereafter.

In view of the foregoing remarks, it is respectfully submitted that the cited references neither anticipate nor render obvious the claimed invention and the pending claims in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the telephone number listed below.

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Respectfully submitted,


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